

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

Travis Cox

v

Douglas County

Douglas County Department
of Corrections

WellPath Medical Providers

Civil Action No.

8:23CV297

Complaint for Civil Case

Plaintiff Travis Cox 3479840

710 S 17th Street

Omaha NE 68102

Defendants Douglas County
1819 Farnam Street Room H-08
Omaha NE 68102

Douglas County DOC
WellPath Medical
Providers

710 S 17th Street

Omaha NE 68102

1. Plaintiff

The plaintiff is, and was, at all times a sentenced State inmate and a pretrial detainee under the "care" and supervision of Douglas County and its DOC

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U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
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CLERK
U.S. DISTRICT COURT

II. Defendants

Douglas County as a municipality funds and authorizes all current and future actions of the Douglas County DOC. As such it clothes its department and its agents thereof with the authority of State Law. WellPath is the Medical Service Provider contracted by Douglas County DOC to provide medical services. As such all defendants are acting under color of the law at all times.

III. Jurisdiction and Venue

This is a civil action authorized by 42 U.S.C Section 1983 to redress multiple violations and the flagrant deprivation under color of law, rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C Sections 1331 and 1343(a)(3). Plaintiff seeks compensatory and punitive damages as well as declaratory relief pursuant 28 U.S.C Sections 2201 and 2202, injunctive relief authorized by 28 U.S.C Sections 2283 and 2284 and Rule 65 of the Rules of Civil Procedure.

The Venue is appropriate under 28 U.S.C Section 1391(b) (2) because it is where the events giving rise to the claim happened.

IV. Statement of Claim

Douglas County is blatantly violating the First Amendment. They accept federal funding and therefore as a federal holding facility have at least to adhere themselves with federal

Federal Standards. Douglas County has a blanket policy refusing all publications to all inmates. This is a violation of freedom of the press. It is a well established fact you can't utilize a blanket policy banning books without just cause and individual merit to each case. *Turner v Safley* and *Thornburgh v Abbot* are both prime examples. I have in my possession legal documents from the DOC showing they opened my legal mail not in my presence then put the documents in my property. The DOC then sent me a letter opened with no envelope from the court and a notice that my legal mail had been placed in my property. *Wolf v McDonnell* 418 U.S. 539 is a great example of the court showing security needs do not trump the 1st Amendment when correspondance impacts the right to access the courts. Opening reading and placing my court documents then sending me notification of doing so is outrageous. *Bach v Illinois* 504 F.2d 1100 states I have a right to be present when inspecting legal mail because it could give away legal stratagems prior to litigation. I'd say a jail opening and reading a lawsuit prior to being sued does exactly that. *Fontroy v Beard* 485 F Supp 2d 592 shows it unconstitutional to open without inmate presence. The Douglas County DOC has no access to the law library or typewriters for preparing legal documents. What it has is a tablet based legal system designed specifically for jails not Westlaw or LexisNexis we have no books to reference or Legal Aides to assist. *Gittens v Sullivan* 670 F Supp 119, 123 SDNY F2d is a great example of the state violating a prisoners constitutional rights when not allowed the

Proper Access to a adequate Law Library with ample time and Legal Aides to assist. I also personally know from earning my Legal Aid certification and currently participating in a paralegal program. The Douglas County DOC also violates the first amendment freedom of religion. The DOC only allows and facilitates Christian Services and Volunteers. These services only offered to inmates in "God Mod" a Christian Only unit. Church Services are not allowed in Medium or Max Security and Bibles and Qurans are the only available texts. There is the RFRA and RLUIPA the first being federal and the latter being state and municipal. Douglas County is a federal holding facility and is held to the Religious Freedom Restoration Act Standards but even as a municipality bound by the Religious Land Use and Institutionalized Persons Act of 2008. The Establishment Clause states you can not aid one religion or show favor to only one religion. Allowing only Christian Services and Christian Volunteers is extremely one sided and a great example of what the founding fathers did NOT want to happen in America. Douglas County, by denying publications and Religious Materials and Volunteers is violating the Free Exercise Clause because I can't practise a religion I can't obtain the Sacred Texts of and have the guidance of leaders of whatever faith I may choose. *Everson v Board of Education* 330 US 91 L Ed 711 "no state of federal government can set up a church and neither can pass laws which aid one religion aid all religions or favor or prefer one over another." Douglas County DOC is not above the Constitution Nebraska is still a part of the United States of America.

Douglas County has a medical provider they are WellPath. I have numerous times over the last 5 months requested treatment for Hepatitis C. Hepatitis is a serious Chronic disease that causes permanent damage to the liver. Well Path doctors have now told me it costs \$80,000.00 dollars to treat my Hepatitis. I was told due to this cost I would not receive treatment for my disease. Had treatment been started I would be cured already, the damage to my liver would have ceased. The VIII amendment states no man will be subject to cruel and unusual treatment. Deliberate Indifference to medical needs is cruel and unusual. Brown v Johnson 387 F.3d 1344 is a superb example of Hep or Hiv being a serious need. Estelle v Gamble and Gutierrez v Peters 111 F3d 1364. The deliberate indifference shown by WellPath in my treatment of Hep C is obvious. WellPath medical services left a man with blood soaked pants from a bleeding hemorrhoid to his own devices for four days before treating him. It took correctional staff 3 days to get him clean bedding and pants. When he was in his cell crying C.O. Stevenson laughed at him from outside his locked door. This is the same Corporal who denied me breakfast, after working as a food porter, because another inmate stole a extra tray. I was then fired by Stevenson. On 6/27/23 I was denied anything to drink at lunch. Staff forced all of unit F to turn in their cups over a month ago. I still have no cup. Staff expects inmates to put themselves in harms way and break rules to prevent food thefts that are the staffs job

to prevent. *Estelle v Gamble* 429 U.S. 97, 103 Under the Eighth Amendment prison inmates are to get medical care. I have been a sentenced state inmate at a federal holding facility for 5 months and should have completed the \$80,000.00 treatment. Well path is deaying me. *Allah v Thomas* 679 F App'x 216 220-21 and *Roe v Elyea* 631 F.3d 843 both show the courts agreeing that inmates can't be denied treatment because it is expensive. *Roe v Elyea* goes so far as to state blanket basis treatment denial regardless of individual is a violation of the eighth amendment. Not getting Treatment is a violation of the Eighth amendment. Since 6/30/23 Unit F at Douglas County has had standing raw sewage filled with bodily fluids, bug infestation and a foul odor. Complaints have been filed no one does anything. Even staff says "why is that fixed?". Douglas County refuses to send inmate accounts for in forma pauperis claims. The facility denies indigent inmates any legal mail (outgoing). The facility does not allow poor inmates families to visit as only online \$13.00 dollar visits are allowed. Asian and African inmates have no translators for medical and legal purposes. Staff attempt to force inmates to violate rules or risk injury to keep from disobeying orders. Staff refuse to adhere to their own policies and in fact promulgate rules which are in direct opposition to firmly established constitutional law and state and federal standards. The denial of beverage and utensils for drinking for over a month is ridiculous. Stevenson trying to say inmate workers should break rules to deter theft of food is ridiculous. If I can't have my treatment I seek restitution for this.

V. Prayer for Relief

Wherefore the Plaintiff pray the court render a judgement declaring all actions described herein to violate the Rights guaranteed him by the Constitution of the United States of America and issue a preliminary and permanent injunction ordering all defendants and the agents thereof cease any and all such activities now and in the future. The plaintiff seeks \$100,000.00 in compensatory damages and punitive damages in the amount the jury sees fit. The plaintiff seeks an additional \$100,000.00 to be placed into a inmate welfare fund specifically for use addressing these issues now and in the future. The amounts are sued for against each defendant jointly and severally, along with the recovery of any cost of this suit, along with any other benefit the Judge or Jury deem fit. The plaintiff is seeking a Jury Trial to all matters fit for trial by Jury.

Dated 7-4-23

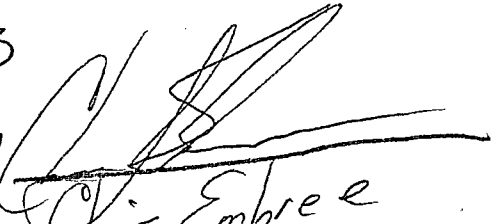
Respectfully Submitted, Travis Cox 3479840
710 S 17th Street
Omaha NE 68102

I hereby verify I have read this complaint and believe all matters alleged are true, except those based on belief and those I believe to be true and correct.

Executed at Omaha NE July 4th 2023

X  Cox

witnessed by


Chris Embree

Travis Cox 3479840

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

8:23cv297

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Douglas

(c) Attorneys (Firm Name, Address, and Telephone Number)

N/A

DEFENDANTS

Douglas County ^{Office of Parole Admin}
^{Board of Parole}
^{Danielle Sanders}
^{TC Heather Todd}
^{TC Rosalyn Cotton}
 County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Douglas County

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Violation of Due Process 1st and Eighth

Brief description of cause:

Denied Legal Habeas Corpus and 1st and 8th Amendments Violation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 100,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

CRYSTAL RHOADES
CLERK OF THE DISTRICT COURT
HALL OF JUSTICE - OMAHA, NEBRASKA 68183



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U.S. DISTRICT COURT

United States District Court
Hruska Federal Court house
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Omaha, NE

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